

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

BENJAMIN P. TOLKOFF (NYB 4294443)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7296
Facsimile: (415) 436-7234
Benjamin.Tolkoff@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 10-0052 MHP
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	EXCLUDING TIME UNDER 18 U.S.C. § 3161
v.)	
)	
CANDELARIO CANO-GOMEZ,)	
)	
Defendant.)	
_____)	

On February 8, 2010, the parties in this case appeared before the Court for an initial appearance. The parties requested, and the Court agreed, to set the matter for status and possible motions briefing dates on March 1, 2010. The parties requested and the Court ordered that the time be excluded under the speedy trial act, 18 U.S.C. § 3161(h)(7)(B)(iv), for effective preparation of counsel.

On March 1, 2010, the parties appeared before the Court for status and set the following

1 dates for motions briefing: defendant's motion due on March 15, 2010, government's response
 2 due on March 29, 2010, and motions hearing on April 12, 2010. The parties requested and the
 3 Court ordered time excluded until March 15, 2010, for effective preparation of counsel, pursuant
 4 to 18 U.S.C. § 3161(h)(7)(B)(iv).

5 The parties also agreed that the ends of justice served by granting such a continuance
 6 outweighed the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §
 7 3161(h)(7)(A).

8 SO STIPULATED:

9
 10 JOSEPH P. RUSSONIELLO
 United States Attorney

11
 12 DATED: March 1, 2010

13 /s/
 BENJAMIN P. TOLKOFF
 Assistant United States Attorney

14
 15 DATED: March 1, 2010

16 /s/
 DANIEL BLANK
 Attorney for CANDELARIO CANO-GOMEZ

17 For the reasons stated above, the Court finds that the time between February 8, 2010, and
 18 March 15, 2010, is warranted and that the ends of justice served by the continuance outweigh the
 19 best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161 (h)(7)(A); FRCP
 20 5.1(d). The failure to grant the requested continuance would deny the defendant effective
 21 preparation of counsel, and would result in a miscarriage of justice. 18 U.S.C. §§
 22 3161(h)(7)(B)(iv).

23
 24 SO ORDERED.

25
 26 DATED: 3/3/2010

